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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 WAYAN GARVEY, *on behalf of himself and all*
7 *others similarly situated,*

8 Plaintiff,

9 v.

10 KELLER WILLIAMS REALTY, INC. and
11 BRITNEY GAITAN,

12 Defendants.

Case No.: 2:23-cv-00920-APG-DJA

**STIPULATION AND ORDER TO
EXTEND DEADLINE FOR
DEFENDANTS KELLER WILLIAMS
TO RESPOND TO PLAINTIFF'S
FIRST AMENDED COMPLAINT AND
PLAINTIFF'S RESPONSE TO
MOTIONS TO DISMISS**

**[FIRST REQUEST AS TO THE
AMENDED COMPLAINT]**

14 **STIPULATION**

15 Plaintiff WAYAN GARVEY ("Plaintiff") by and through his counsel Craig K. Perry,
16 Esq. of CRAIG K. PERRY & ASSOCIATES, Chris R. Miltenberger, Esq. of THE LAW
17 OFFICE OF CHRIS R. MILTENBERGER, PLLC, and Eric H. Weitz, Esq. and Max S. Morgan,
18 Esq. of THE WEITZ FIRM LLC, Defendant KELLER WILLIAMS REALTY, INC., by and
19 through its counsel Michael Ayers, Esq., Clark Vellis, Esq. and Lauren Calvert, Esq., of
20 QUINTAIROS, PRIETO, WOOD & BOYER, P.A. ("Defendant KELLER WILLIAMS"), and
21 Defendant BRITNEY GAITAN ("Defendant GAITAN"), by and through her counsel Patrick J.
22 Reilly, Esq. of BROWNSTEIN HYATT FARBER SCHRECK, LLP, hereby stipulate as
23 follows:

24 1. On June 12, 2023, Plaintiff filed the Complaint – Class Action (the "Complaint")
25 in the United States District Court, District of Nevada (ECF No. 1).

26 2. Defendant KELLER WILLIAMS was served with the Summons and Complaint
27 on June 15, 2023 (ECF No. 10).

28 FIRST STIPULATION TO EXTEND DEADLINE FOR DEFENDANT KELLER WILLIAMS TO RESPOND TO PLAINTIFF'S FIRST
AMENDED COMPLAINT AND PLAINTIFF TO RESPOND TO MOTIONS TO DISMISS - 1

1 3. Defendant KELLER WILLIAMS was required to file a responsive pleading to
2 the Complaint within twenty-one (21) days of its service thereof, i.e., July 6, 2022.

3 4. Counsel for Defendant KELLER WILLIAMS was only just retained by
4 Defendant KELLER WILLIAMS on August 15, 2023.

5 5. Counsel for Defendant KELLER WILLIAMS contacted counsel for Plaintiff and
6 informed them that his firm had only just been assigned the defense of this matter on August 15,
7 2023, and that his firm required additional time within which to review this matter and formulate
8 its defense.

9 6. The first stipulation for extension of time was granted by this Court on August
10 23, 2023 (ECF No. 21).

11 7. Counsel for Defendant KELLER WILLIAMS contacted counsel for Plaintiff
12 again and informed him that he would be requesting *pro hac vice* admission for Chicago co-
13 counsel to appear, and requested additional time to file a responsive pleading in order to
14 accomplish that request for admission.

15 6. The second stipulation for extension of time was granted by this Court on
16 September 11, 1023 (ECF No. 23) granting Defendant KELLER WILLIAMS until September
17 27, 2023, to respond to Plaintiff's Complaint (ECF No. 1).

18 7. Defendant GAITAN filed a Motion to Dismiss (ECF No. 24) on September 13,
19 2023.

20 8. On September 14, 2023, Plaintiff filed a First Amended Complaint (ECF No. 25),
21 with a responsive pleading due date for all parties on September 28, 2023.

22 9. On September 19, 2023, Defendant GAITAN filed her Motion to Dismiss
23 Plaintiff's Amended Complaint (ECF No. 28), and Plaintiff's response to that Motion is due
24 October 3, 2023.

25 10. KELLER WILLIAMS anticipates it will be filing a dispositive motion in
26 response to the First Amended Complaint. However, its local counsel will be out of the office
27

1 for a planned trip when the current responsive pleading is due (and a few days the following
2 week) and has requested an extension.

3 10. In the interests of judicial economy, the parties have agreed on a briefing schedule
4 where Plaintiff's opposition briefs to the pending Motion to Dismiss Amended Complaint (ECF
5 No. 28) and KELLER WILLIAMS' anticipated dispositive motion be filed on the same date;

6 11. Accordingly, Plaintiff and Defendants hereby agree to the following briefing
7 schedule:

8 a. Defendant KELLER WILLIAMS' deadline to file its responsive pleading to the
9 First Amended Complaint (ECF No. 25) shall be extended until and including
10 October 5, 2023;

11 b. Plaintiff WAYAN GARVEY shall respond to Defendant GAITAN's Motion to
12 Dismiss Plaintiff's Amended Complaint on or before October 23, 2023; and

13 c. Plaintiff WAYAN GARVEY shall respond to Defendant KELLER WILLIAMS'
14 responsive pleading to the First Amended Complaint on or before October 23,
15 2023.

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12. This is a first request for extension of time and is being made in good faith and not for the purpose of undue delay.

IT IS SO STIPULATED.

DATED this 28th day of September, 2023.

DATED this 28th day of September, 2023.

CRAIG K. PERRY & ASSOCIATES

QUINTAIROS, PRIETO, WOOD & BOYER, P.A.

By: /s/ Craig K. Perry
Craig K. Perry, Esq.
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Attorneys for Plaintiff
WAYAN GARVEY

By: /s/ Michael Ayers
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200 S. Virginia St., 8th Fl.
Reno, NV 89501
Tele: 775-322-4697
Attorneys for Defendant
KELLER WILLIAMS REALTY, INC.

DATED this 28th day of September, 2023.

**BROWNSTEIN HYATT FARBER
SCHRECK, LLP**

By: /s/ Patrick J. Reilly
Patrick J. Reilly
Nevada Bar No. 6103
100 N. City Pkwy., Ste. 1600
Las Vegas, NV 89106
Tele: 702-464-7033
Attorneys for Defendant
BRITNEY GAITAN

ORDER

The foregoing stipulation is hereby approved, with the following deadlines:

1. Defendant KELLER WILLIAMS shall respond to Plaintiff's First Amended Complaint on or before October 5, 2023;

3. Plaintiff WAYAN GARVEY shall respond to Defendant KELLER WILLIAMS' responsive pleading to the First Amended Complaint on or before October 23, 2023.

Dated: 9/29/2023

FIRST STIPULATION TO EXTEND DEADLINE FOR DEFENDANT KELLER WILLIAMS TO RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT AND PLAINTIFF TO RESPOND TO MOTIONS TO DISMISS - 5

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FIRST STIPULATION TO EXTEND DEADLINE FOR DEFENDANT KELLER WILLIAMS TO RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT AND PLAINTIFF TO RESPOND TO MOTIONS TO DISMISS - 6